

## REMARKS

The undersigned wishes to thank Examiner Watts for the courtesy of a telephone interview. During the telephone interview, the distinctive features of the present invention, along with the teaching of prior art of record, was discussed. Tentative agreement was reached.

## THE REJECTION

Claims 1 to 15 stand rejected under 35 USC 103(a) as being unpatentable over Garcher in view of Kittle. Based upon the claims as they now stand amended in the case, in combination with the arguments set forth herebelow, it is now believed that this rejection is thereby overcome.

## THE INVENTION

The invention is generally directed to a universal one-piece hand guard for attachment to a hacksaw. The invention is formed as a single unit from a semi-rigid or somewhat resilient flat sheet of material sized and configured to easily and simply be attached to a hacksaw directly in front of the handle to protect the user's hand in the event of impact with another object during use of that hacksaw. The shield, again formed as a unit, of very economical and easily die cut material includes a notch formed into an upper edge thereof and an aperture adjacent a lower edge thereof which provide for quick and simple attachment to the hacksaw as shown in the figures and described in the application.

In addition to being formed from a single piece, the material itself is semi-rigid so that, as seen in Figure 5, the shield deflects rearwardly without concern for fracture thereof and without concern for causing an impact there against which might deflect the hacksaw and the hand of the user causing damage to the hacksaw and injury in the form

of a sprained wrist of the user. Rather, the flexible resilient deformation of the shield as shown in Figure 5 both protects the user's hand and minimizes the lateral deflection of the hacksaw during a sawing stroke resulting in impact with an object.

#### GARCHER DISTINGUISHED

The most important distinction between the present invention and the Garcher teaching is that the Garcher reference includes several components in addition to the shield itself which appears to be substantially rigid. A slide piece 26 is required to be slidably engaged within a slot 12 formed into the shield. This slide piece 26 engages around the upper portion of the hacksaw and then is locked in an appropriate position as best seen in Figure 3 of Garcher by an additional clamp piece 36. The greater expense of this molded three-piece arrangement of Garcher obviously represents an uneconomical to manufacture product which, to the knowledge of the undersigned, never appeared in the marketplace.

#### KITTLE DISTINGUISHED

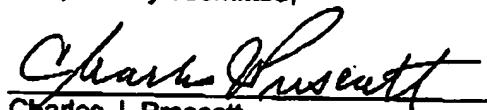
The teaching of Kittle is that of an entire unit formed as an assembly including a rigid wire or rod-like hand guard 36. The hand guard is described as being permanently connected at an upper end 37 to the back 7 of the hacksaw itself while a separate clamp arrangement 39 is attached to a tube 16. The teaching of a lower aperture to fix the invention to the hacksaw of Kittle is thus somewhat unclear at best.

Having emphasized the distinctive features of being formed economically of a single piece of resilient material and further distinguishing the feature of the invention related to the necessary flexible resiliency thereof to both protect the user's hand and prevent hacksaw damage and possible sprained wrist, it is submitted that all claims now in the case are in condition for allowance. However, if Examiner Watts finds any

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Appl 10/751231  
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remaining issues, he is requested to contact the undersigned directly by telephone to conduct a second telephone interview in an attempt to resolve those issues.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing is being facsimile transmitted to the Honorable Commissioner for Patents, (703) 872-9306, this January 11, 2005.

  
Charles J. Prescott